

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JADWIGA NOWAK)	
)	
Plaintiff,)	
)	
v.)	
)	
CALIBER HOME LOANS, INC. and CANEEL)	
GROUP, LLC,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Caliber Home Loans, Inc. (“Caliber”) hereby removes this action to this Court from the Circuit Court of Cook County, Illinois, County Department, Chancery Division pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1331. In support of removal, Caliber states the following:

THE STATE COURT ACTION

1. Plaintiff Jadwiga Nowak initiated this case by filing a complaint in the Circuit Court of Cook County, Illinois, County Department, Chancery Division on or about July 29, 2021. This action was pending in the state court as Case Number 2021-CH-03714 (the “State Court Action”).

2. The complaint alleges that Caliber and co-Defendant Caneel Group, LLC (“Caneel”) violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”). According to the complaint, Caliber is the servicer of Nowak’s mortgage loan and it “engaged Caneel to assist it in collection of [her] Loan.” (Compl. at ¶¶ 29-30, 32.) Novak alleges that Caliber impermissibly shared her personal information with Caneel and that Caneel failed to provide disclosures required by the FDCPA in its communications with her. (*Id.* at ¶¶ 63-66, 89-

91.) Novak additionally alleges that Caliber is vicariously liable for Caneel's FDCPA violations. (*Id.* at ¶ 93.)

3. Nowak purports to represent classes of similarly-situated individuals for all of her claims. Nowak seeks actual and statutory damages, as well as attorney fees and costs on behalf of the classes. (*Id.* at pp. 14, 18.)

PROCEDURAL REQUIREMENTS FOR REMOVAL

4. Caliber was served with a summons as well as copies of Nowak's complaint and motion for class certification on August 6, 2011. Removal is timely because Caliber filed this notice within 30 days of being first served with process. *See* 28 U.S.C. § 1446(b)(1); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999) (holding that the removal deadline is triggered by formal service of process).

5. For removal purposes, venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the United States District Court for the Northern District of Illinois, Eastern Division is the federal judicial district and division embracing the Circuit Court of Cook County, Illinois, County Department, Chancery Division, where Nowak filed the State Court Action.

6. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, orders, and other filings served upon Caliber in the State Court Action are attached hereto as **Exhibit 1** (Summons, Complaint, and Motion for Class Certification).

7. Counsel for Caneel consented to removal; therefore, all defendants consent to removal for purposes of 28 U.S.C. § 1446(b)(2)(A).

SUBJECT MATTER JURISDICTION EXISTS

8. 28 U.S.C. § 1441(a) provides that "any civil action brought in a State court of which the district courts of the United States have original jurisdiction" may be removed to the federal district court located where the action is pending.

9. This Court has federal subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331, which vests federal district courts with original jurisdiction over civil actions “arising under the Constitution, laws, or treaties of the United States.”

10. Nowak has alleged that Caliber and Caneel violated the FDCPA, which is a federal statute governing debt collection. Thus, this action arises under the laws of the United States.

11. Removal of this case is thus proper under 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331.

ADDITIONAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

12. Caliber will promptly file a copy of this notice of removal with the Clerk of the Circuit Court of Cook County, Illinois, County Department, Chancery Division where the State Court Action is currently pending, and will provide all parties with written notice of the filing of this notice of removal, as required by 28 U.S.C. § 1446(d).

13. Caliber has paid all fees required by law in connection with this notice of removal.

14. All other requirements for removal and for federal court jurisdiction have been satisfied.

15. By filing this notice of removal and the associated attachments, Caliber does not waive any objections it may have as to service, personal jurisdiction, or any other claims, defenses, or objections available to it in this action. Furthermore, Caliber intends no admission of fact, law, or liability by this notice and expressly reserves all defenses, motions, and pleas.

16. If any questions arise as to the adequacy or propriety of the removal of this action, Caliber requests the opportunity to supplement this notice with additional evidence and/or to brief any disputed issues and present oral argument in support of this removal.

WHEREFORE, Caliber prays that the Court exercise jurisdiction over this action as allowed by law and for such other and further relief as the Court deems just and necessary. Caliber is removing subject to, and without waiving any defense or objection it may have to venue or the Court's ability to exercise personal jurisdiction over it.

DATED: August 27, 2021

CALIBER HOME LOANS, INC.,

By: /s/ Michael P. McGivney
One of its attorneys

Simon Fleischmann (6274929)
sfleischmann@lockelord.com
Michael P. McGivney (6324324)
michael.mcgivney@lockelord.com
Locke Lord LLP
111 South Wacker Drive
Chicago, Illinois 60606
Phone: 312-443-0700

CERTIFICATE OF SERVICE

I, Michael P. McGivney, an attorney, certify that the foregoing was served upon all parties entitled to notice via the Court's CM/ECF. I further certify that I caused the foregoing to be served upon those persons or entities identified below by electronic mail and by United States Mail on August 27, 2021 to the addresses below.

Arthur Czaja
Law Office of Arthur Czaja
7521 N. Milwaukee Ave.
Niles, Illinois 60714
(847) 647-2106
arthur@czajalawoffices.com

Rusty A. Payton
Payton Legal Group, LLC
20 North Clark Street
Suite 3300
Chicago, Illinois 60602
(773) 682-5210
info@payton.legal

Joseph S. Davidson
Law Offices of Joseph P. Doyle, LLC
105 South Roselle Road, Suite 203
Schaumburg, Illinois 60193
(847) 985-1100
jddavidson@fightbills.com

/s/ Michael P. McGivney